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*Attorneys for Proposed-Intervenor Abbott  
Laboratories Vascular Enterprises Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	Case No. 07 Civ. 11332 (SAS)
BIRMINGHAM ASSOCIATES LTD,	:	
	:	ECF Case
Plaintiff,	:	
	:	<b>ABBOTT LABORATORIES</b>
v.	:	<b>VASCULAR ENTERPRISES INC.'S</b>
	:	<b>NOTICE OF MOTION TO</b>
ABBOTT LABORATORIES,	:	<b>INTERVENE AND TO COMPEL</b>
	:	<b>ARBITRATION</b>
Defendant.	:	
-----	X	

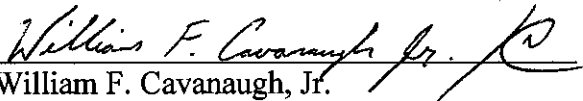
To: Clerk of Court  
All Counsel of Record

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law and Declarations of Steven T. Kipperman, Michele Bonke and William F. Cavanaugh, Jr., Proposed-Intervenor Abbott Laboratories Vascular Enterprises, Inc., will move this Court, before the Hon. Shira A. Scheindlin, on a date and time to be determined, at the United States

Courthouse, 500 Pearl Street, New York, New York, for an order granting Abbott Laboratories Vascular Enterprises, Inc.'s Motion to Intervene and to Compel Arbitration.

Dated: January 29, 2008  
New York, New York

Respectfully submitted,

By:   
William F. Cavanaugh, Jr.

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-----	x	
	:	Case No. 07 Civ. 11332 (SAS)
BIRMINGHAM ASSOCIATES LTD,	:	
	:	ECF Case
Plaintiff,	:	
	:	<b>ORDER</b>
v.	:	
	:	
ABBOTT LABORATORIES,	:	
	:	
Defendant.	:	
-----	x	

This matter having been brought before the Court by Patterson Belknap Webb & Tyler LLP, attorneys for Proposed-Intervenor Abbott Laboratories Vascular Enterprises Inc. ("ALVE"), on its motion to intervene and to compel arbitration,

AND THE COURT HAVING CONSIDERED all papers filed in support of and in opposition to ALVE's motion, and all prior proceedings herein, and for good cause shown,

IT IS HEREBY ORDERED that ALVE's motion to intervene is GRANTED; and

IT IS HEREBY FURTHER ORDERED that ALVE's motion to compel arbitration of its dispute with Plaintiff Birmingham Associates, Ltd., ("Birmingham") regarding whether ALVE or any of its affiliates violated any duty to Birmingham by the termination of the commercial development of the ZoMaxx™ Drug-Eluting Coronary Stent System is GRANTED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. SHIRA A. SCHEINDLIN, U.S.D.J.